

1 AN ACT

2 RELATING TO PUBLIC RECORDS; REMOVING A REQUIREMENT THAT FOR A
3 PERSON TO OBTAIN A PUBLIC DATABASE FROM A STATE AGENCY, THE
4 PERSON MUST AGREE NOT TO USE IT FOR A POLITICAL PURPOSE
5 UNLESS APPROVED IN WRITING BY THE STATE AGENCY THAT CREATED
6 THE DATABASE.

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

9 SECTION 1. Section 14-3-15.1 NMSA 1978 (being Laws
10 1986, Chapter 81, Section 9, as amended) is amended to read:

11 "14-3-15.1. RECORDS OF STATE AGENCIES--PUBLIC RECORDS--
12 COPY FEES--COMPUTER DATABASES--CRIMINAL PENALTY.--

13 A. Except as otherwise provided by federal or
14 state law, information contained in information systems
15 databases shall be a public record and shall be subject to
16 disclosure in printed or typed format by the state agency
17 that has inserted that information into the database, in
18 accordance with the Public Records Act, upon the payment of a
19 reasonable fee for the service.

20 B. The administrator shall recommend to the
21 commission the procedures, schedules and technical standards
22 for the retention of computer databases.

23 C. The state agency that has inserted data in a
24 database may authorize a copy to be made of a computer tape
25 or other medium containing a computerized database of a

1 public record for any person if the person agrees:

2 (1) not to make unauthorized copies of the
3 database;

4 (2) not to use the database for any
5 commercial purpose unless the purpose and use is approved in
6 writing by the state agency that created the database;

7 (3) not to use the database for solicitation
8 or advertisement when the database contains the name, address
9 or telephone number of any person unless such use is
10 otherwise specifically authorized by law;

11 (4) not to allow access to the database by
12 any other person unless the use is approved in writing by the
13 state agency that created the database; and

14 (5) to pay a royalty or other consideration
15 to the state as may be agreed upon by the state agency that
16 created the database.

17 D. If more than one state agency is responsible
18 for the information inserted in the database, the agencies
19 shall enter into an agreement designating a lead agency. If
20 the agencies cannot agree as to the designation of a lead
21 state agency, the commission shall designate one of the state
22 agencies as the lead agency to carry out the responsibilities
23 set forth in this section.

24 E. Subject to any confidentiality provisions of
25 law, any state agency may permit another state agency access

1 to all or any portion of a computerized database created by a
2 state agency.

3 F. If information contained in a database is
4 searched, manipulated or retrieved or a copy of the database
5 is made for any private or nonpublic use, a fee shall be
6 charged by the state agency permitting access or use of the
7 database.

8 G. Except as authorized by law or rule of the
9 commission, any person who reveals to any unauthorized person
10 information contained in a computer database or who uses or
11 permits the unauthorized use or access of any computer
12 database is guilty of a misdemeanor, and upon conviction the
13 court shall sentence that person to jail for a definite term
14 not to exceed one year or to payment of a fine not to exceed
15 five thousand dollars (\$5,000) or both. That person shall
16 not be employed by the state for a period of five years after
17 the date of conviction."

18 SECTION 2. EFFECTIVE DATE.--The effective date of the
19 provisions of this act is July 1, 2017. _____